

REMARKS

Reconsideration of the Examiner's restriction requirement is respectfully requested. The present application claims a homoserin transsuccinylase with defined technical features as claimed in claim 1. Such a homoserine transsuccinylase is clearly different from the wild type enzyme. The Examiner states that only the wild type sequence is known in the art. Thus, the feature linking the species of claim 1, which differs from the wild type enzyme, should not form the basis for a restriction requirement. Group 1, as listed above, lists the comparative examples, and forms no part of the claimed invention. Groups II-IV are different sequence variations of the same wildtype molecule.

Thus, it is believed that any search for the Species embodied in Group II would necessarily include a search of the Species embodied in Groups III and IV. Thus, a simultaneous search for all of the species is believed not to constitute an unreasonable search for the Patent Examiner.

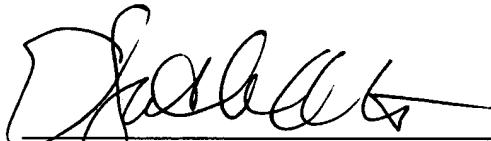
In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the Species. Also, the necessity of filing multiple patent applications in

this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file divisional applications for the non-elected species.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. §121 be withdrawn, and that an action on the merits of all the claims be rendered.

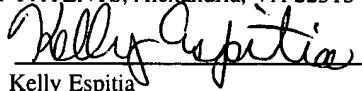
Respectfully submitted,  
SUSANNE LEONHARTSBERGER ET AL.



COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802  
ECR:rd

Elizabeth C. Richter, Reg. No. 35,103  
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER OF PATENTS, Alexandria, VA 22313-1450 on July 5, 2006.

  
Kelly Espitia